

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

HUGO LOPEZ

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2:18cr00144

Electronic Filing

MEMORANDUM ORDER

AND NOW, this 20th day of April, 2021, upon due consideration of defendant's *pro se* "Motion for Disclosure of Favorable Evidence, IT IS ORDERED that the motion is granted in part and denied in part. The Motion is granted to the extent it seeks relief consistent with the Order of October 18, 2019 (Doc. No. 43) granting defendant's previous motion for early disclosure and favorable evidence; the motion is denied in all other aspects;

IT FURTHER IS ORDERED that upon due consideration of defendant's *pro se* motion for Pretrial Release Pending Trial, [71] the motion be, and the same hereby is, denied.

Defendant has failed to overcome the presumption warranting pretrial detention under the Bail Reform Act notwithstanding at least two separate opportunities to do so and defendant's ongoing detention is in accord with the Speedy Trial Act. See Memorandum Order of March 4, 2021 (Doc. No. 73); and

IT FURTHER IS ORDERED that that upon due consideration of defendant's *pro se* motion for dismissal based upon the lack of Jurisdiction, [72] the motion be, and the same hereby is, denied. The current prosecution is a case under Article III of the United States Constitution and the United States Attorney's Office is authorized to oversee the prosecution pursuant to occasions. See Edward Hartnett, *The Standing of the United States: How Criminal Prosecutions Show that Standing Doctrine is Looking for Answers in all the Wrong Places*, 97 Mich.L.Rev.

2239 (1999) (to reason and conclude from the current status of the Court’s Article III standing doctrine that “the vast majority of federal criminal prosecutions are not ‘cases’ or ‘controversies’ and the United States lacks standing to initiate them [would,] ... [o]f course, [amount to] an absurd result.”); 28 U.S.C. § 547(1) (“... each United States attorney, within his district, shall – (1) prosecute for all offenses against the United States...”); see also 28 U.S.C. § 541(a) (“The President shall appoint, by and with the advice and consent of the Senate, a United States attorney for each judicial district.”). Moreover, a slew of conclusions and disconnected assertions contending that the court lacks personal jurisdiction over the defendant, and/or that he fails to recognize the same, does not make it so.

s/David Stewart Cercone
David Stewart Cercone
Senior United States District Judge

cc: Robert C. Schupansky, AUSA
James J. Brink, Esquire

United States Marshal’s Office
United States Probation Office

(Via CM/ECF Electronic Filing)